

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

150 Almaden Avenue, Suite 900
San Jose, California 95113
Telephone: (408) 535-5035
FAX: (408) 535-5081

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 05-00282-JW
Plaintiff,)
v.) STIPULATION REQUESTING
TRAVIS TOOLE,) CONTINUANCE OF SENTENCING
Defendant.) HEARING AND [PROPOSED] ORDER

It is hereby stipulated and agreed between defendant Travis Toole, by and through his counsel of record, Jesse Garcia, Esq., and the United States, by and through Assistant United States Attorney Mark L. Krotoski, as follows:

1. This matter is presently set for a sentencing hearing on October 2, 2006 at 1:30 p.m., after the Court continued the hearing from September 25, 2006 to October 2, 2006.

2. The probation officer has noted that the defendant has yet to schedule his presentence interview and the presentence report cannot be completed pending this interview. The defense agrees to schedule the presentence interview.

3. For the foregoing reasons, and that the ends of justice are served by continuing this case, the parties stipulate to a continuance of the sentencing hearing from October 2, 2006 at 1:30 p.m.

STIPULATION REQUESTING CONTINUANCE OF SENTENCING HEARING AND [PROPOSED] ORDER
CR 05-00282-JW

1 to November 13, 2006 at 1:30 p.m., or the next available date.

2 IT IS SO STIPULATED.

3 Dated: September 13, 2006

KEVIN V. RYAN
United States Attorney

4 /s/

5 MARK L. KROTKOSKI
6 Assistant United States Attorney

7 Dated: September 13, 2006

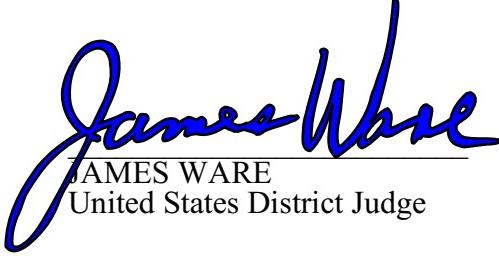
8 /s/

9 JESSE GARCIA
10 Assistant for defendant Toole

11 IT IS SO ORDERED.

12 The sentencing hearing is continued from October 2, 2006 at 1:30 p.m. to November 13,
13 2006 at 1:30 p.m.

14 Dated: September 14, 2006



JAMES WARE
United States District Judge

17 Distribute To:

18 Jesse J. Garcia, Esq.
19 225 West Winton Avenue, Suite 208
Hayward, CA 94544-1219
20 FAX (510) 887-0646

21 Mark L. Krotoski
AUSA
22 150 Almaden Boulevard, Suite 900
San Jose, CA 95113

23 Benjamin Flores
24 U.S. Probation Officer
280 South First Street
25 San Jose, CA 95113